

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

\_\_\_\_\_  
KEVIN MERCHANT,  
Plaintiff

v.

\_\_\_\_\_  
EQUIFAX, INFORMATION  
SERVICES, LLC,  
Defendant  
\_\_\_\_\_

C.A.No.: 20CV11136TSH

**DECLARATION OF JONAS JACOBSON**

I, Jonas Jacobson, having been duly sworn, do hereby depose and make affidavit as follows:

(1). I am a member of the Bar of Massachusetts, and the Bar of the United States for the Federal District of Massachusetts.

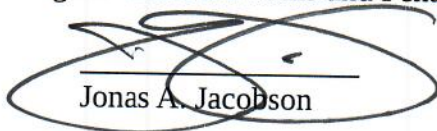
(2). I was admitted to practice law in 2009. My practice is primarily focused on consumer representation, in particular, the representation of consumers in litigation with their mortgage companies. I have represented more than a hundred individuals in such litigation, through the course of my 13 year career. I have also handled many so-called “statutory claims,” seeking damages for violations of the Fair Credit Reporting Act, or the Fair Debt Collection Practices Act. I was named a SuperLawyer Rising Star from 2018 until 2019, when I was no longer eligible for that designation, and was named a Top Lawyer for Appellate Litigation for 2021, by Boston Magazine.

(3). I represent consumers on both an hourly, and a contingent fee basis. In the course of my hourly practice, I charge \$450/hour under certain circumstances.

(4). While I have a heart for consumer issues, and appreciate the Congressional purpose behind the enactment of the FCRA and the FDCPA, because I am able to charge \$450/hour, my ability to continue representing consumers in this type of litigation, hinges, in some part, on the Lodestar being set, at least, at an hourly rate I actually charge.

- (5). The Boston area is extremely expensive, and we are all involved in a time of high inflation; I have actually contemplated raising my rates, but have not yet done so.
- (6) I am requesting compensation for 95.8 hours spent working on this matter. I have edited my invoice to eliminate some of my time spent speaking with the client, which was not necessarily productive towards the case. I have also eliminated time I spent conferencing with other consumer lawyers about the Plaintiff's claim; a true copy of my invoice for work on this matter is attached to this declaration as its only exhibit.
- (7). I am also seeking costs, in the amount of \$400, together with two service attempts, each in the amount of \$50, for a total of \$500 in costs.

Signed under the Pains and Penalties of Perjury, this 8<sup>th</sup> day of September 2022,



Jonas A. Jacobson



Law Offices of Jonas A. Jacobson  
 617-230-2779  
 2067 Massachusetts Ave., 5th Floor  
 Cambridge, Massachusetts  
 02140  
 United States

Billed To  
 Kevin Merchant  
 139 Central Street  
 Auburn, Massachusetts

Date of Issue  
 08/03/2022

Due Date  
 09/02/2022

Invoice Number  
 0000568

Amount Due (USD)

**\$43,110.00**

United States

Description	Rate	Qty	Line Total
Email from Kevin Merchant 04/28/2020	\$450.00	0.2	\$90.00
Review of Kevin's Email to Equifax 04/28/2020	\$450.00	0.2	\$90.00
Initial phone call with Kevin and Elizabeth 04/28/2020	\$450.00	1.5	\$675.00
Telephone Call with Kevin T. Merchant 04/29/2020	\$450.00	0.5	\$225.00
Research re: mixed files cases 04/29/2020	\$450.00	2.4	\$1,080.00
Email to Kevin Jr., and Kevin T. Merchant 04/29/2020	\$450.00	0.3	\$135.00
Merchants' documents review and claim assessment 05/1/2020	\$450.00	1.1	\$495.00
Review of Kevin's follow up with Equifax 05/04/2020	\$450.00	0.1	\$45.00
Email with additional evidence 05/09/2020	\$450.00	0.1	\$45.00
Review of Equifax Dispute Reply	\$450.00	0.3	\$135.00
Email from Kevin re Kevin T.	\$450.00	0.1	\$45.00

Long email from Kevin Merchant (re: Camper van issue) 05/22/2020	\$450.00	0.3	\$135.00
First Draft Complaint 06/09/2020	\$450.00	3.6	\$1,620.00
Research re: injunctive relief in FCRA cases 06/10/2020	\$450.00	2.5	\$1,125.00
Complaint draft to client (and responses) 06/11/2020	\$450.00	0.3	\$135.00
Edits to Complaint (per client) 06/12/2020	\$450.00	0.4	\$180.00
Email from client re: Kevin T. 06/23/2020	\$450.00	0.1	\$45.00
Call with Kelly Guzzo re: Kevin T. 06/23/200	\$450.00	0.2	\$90.00
Emails/calls with Ancillary Legal re: service in Atlanta 07/28/2020	\$450.00	0.3	\$135.00
Email/Call from Ancillary re: service on Equifax 08/28/2020	\$450.00	0.2	\$90.00
Emails from client 08/31/2020	\$450.00	0.2	\$90.00
Call with Derrick Riddick re: Service Job #4867695 09/10/2020	\$450.00	0.3	\$135.00
Return of service from Derrick Riddick 09/11/2020	\$450.00	0.1	\$45.00
Plaintiff's request for a Default 09/30/2021	\$450.00	0.4	\$180.00
Call with Eric Barton re: service 10/21/2020	\$450.00	0.3	\$135.00
Email from Eric Barton (review and respond) 10/21/2020	\$450.00	0.1	\$45.00
Edits to extension agreement 10/23/2020	\$450.00	0.2	\$90.00
Receive and save Extension Motion from PACER 10/26/2021	\$450.00	0.1	\$45.00
Prepare new Motion for Default 11/23/2020	\$450.00	0.4	\$180.00

Call and Email with Maura Bragg re: (vacate New Motion for Default) (review motion) 11/24/2020	\$450.00	0.6	\$270.00
Review and defenses 11/25/2020	\$450.00	0.8	\$360.00
Emails with client re: evidence 12/28/2020	\$450.00	0.3	\$135.00
Email to OC re: Joint Status Report 12/29/2020	\$450.00	0.3	\$135.00
Prepare Joint Status Report (schedule)(calendar review) 1/13/2021	\$450.00	0.4	\$180.00
Emails with OC (re: Joint Status Report) 1/13/2021-1/15/2021	\$450.00	0.3	\$135.00
File Joint Status Report 1/17/2021	\$450.00	0.2	\$90.00
Status Conference (telephonic) 1/24/201	\$450.00	0.2	\$90.00
Review Equifax Discovery requests 01/28/2021	\$450.00	1.2	\$540.00
Call with client re: discovery requests 02/04/2021	\$450.00	1.5	\$675.00
Review Equifax litigation on PACER 2/10/2021	\$450.00	2.5	\$1,125.00
Prepare Request for production to Equifax (review prior research) 02/11/2021	\$450.00	2.4	\$1,080.00
Review Client email (w/summary) 02/17/2021	\$450.00	0.7	\$315.00
Review of Equifax Initial Disclosures 2/24/2021	\$450.00	0.2	\$90.00
Prepare Interrogatories to Equifax 02/22/2021	\$450.00	2.1	\$945.00
Finalize RFPDs and serve via email 02/23/2021	\$450.00	0.5	\$225.00
Prepare requests for admissions (client data cross reference) 2/24/2021	\$450.00	1.8	\$810.00
Finalize interrogatories and serve via email	\$450.00	0.3	\$135.00

Emails with OC re: settlement 02/24/2021	\$450.00	0.2	\$90.00
Telephone call w/client re: mediation 03/10/2021	\$450.00	0.8	\$360.00
Telephone call w/client re: mediation 03/11/2021	\$450.00	0.5	\$225.00
Telephone call with client re: discovery responses 03/12/2021	\$450.00	1.4	\$630.00
Telephone call with client re: discovery 03/14/2021	\$450.00	0.8	\$360.00
Prepare initial disclosures (email to OC) 03/15/2021	\$450.00	0.9	\$405.00
Receive signed discovery responses (to RFA, Rogs), sign as to objections, service on OC 03/16/2021	\$450.00	0.2	\$90.00
Review Equifax first discovery response 03/24/2021	\$450.00	0.1	\$45.00
Emails with OC re: discovery (9 emails) 03/25/2021	\$450.00	0.3	\$135.00
Review amended discovery responses 03/25/2021	\$450.00	0.2	\$90.00
Pre mediation telephone conference 03/26/2021	\$450.00	0.3	\$135.00
Emails re: settlement with OC (17 emails at .1 each) 04/13/2021-04/16/2021	\$450.00	1.7	\$765.00
Phone call with Judge Hennessey's clerk (canceling mediation) 04/16/2021	\$450.00	0.2	\$90.00
Research and review Equifax likely response to Motion to Compel on PACER (other cases inc. O'Gara, download) 04/17/2021	\$450.00	2.8	\$1,260.00
Prepare Response to request for production of documents 04/17/2021	\$450.00	3.3	\$1,485.00
Telephone call with client re: additional documents. 04/18/2021	\$450.00	0.7	\$315.00
Prepare Objection to Motion to Compel production of	\$450.00	0.8	\$360.00

04/18/2021

Review Court Order denying motion to compel 04/20/2021	\$450.00	0.2	\$90.00
Emails with OC re: discovery 04/20/21	\$450.00	0.2	\$90.00
Telephone call with OC re: discovery 04/21/2021	\$450.00	0.3	\$135.00
Emails with OC re: discovery, settlement 04/21/21	\$450.00	1.1	\$495.00
Call re: protective order 05/14/2021	\$450.00	0.2	\$90.00
Review and revised proposed protective order (burden on designating, rather than filing party) 05/17/2021	\$450.00	1.1	\$495.00
Review additional changes by OC to protective order, accept changes via email (cross reference prior redlines) 05/19/2021	\$450.00	0.5	\$225.00
Review and accept proposed motion for protective order 05/20/2021	\$450.00	0.2	\$90.00
Meet and confer re: discovery 06/03/2021	\$450.00	0.8	\$360.00
Follow up emails re: meet and confer (longer email) 06/03.2021	\$450.00	0.4	\$180.00
Follow up email from OC re: meet and confer 06/04/2021	\$450.00	0.2	\$90.00
Receive and review Equifax' supplemental interrogatory answers and document production 06/30/2021	\$450.00	0.7	\$315.00
Email with OC re: summary judgment 08/30/2021	\$450.00	0.1	\$45.00
Receive and Review Motion for Summary Judgment 08/31/2021	\$450.00	1.5	\$675.00
Review Transunion v. Ramirez cited in Summary Judgment Memorandum 09/01/2021	\$450.00	0.7	\$315.00
Listen to 2/13/2020 phone call (6) 09/15/2021	\$450.00	0.1	\$45.00



Listen to 2/19/2020 phone call (2) 09/15/2021	\$450.00	0.1	\$45.00
Listen to 2/19/2020 phone call (18) 09/15/2021	\$450.00	0.5	\$225.00
Listen to 2/19/2020 phone call (5) 09/15/2021	\$450.00	0.2	\$90.00
Listen to 2/24/2020 phone call (12) 09/15/2021-09/17/2021	\$450.00	0.2	\$90.00
Listen to 2/28/2020 phone call (28) 09/15/2021-09/17/2021	\$450.00	0.5	\$225.00
Listen to 2/28/2020 phone call (1) 09/15/2021-09/17/2021	\$450.00	0.1	\$45.00
Listen to 2/28/2020 phone call (2) 09/15/2021-09/17/2021	\$450.00	0.7	\$315.00
Listen to 2/28/2020 phone call (36) 09/15/2021-09/17/2021	\$450.00	0.7	\$315.00
Listen to 2/29/2020 phone call (4) 09/15/2021-09/17/2021	\$450.00	0.1	\$45.00
Listen to 2/28/2020 phone call 7) 09/15/2021-09/17/2021	\$450.00	0.1	\$45.00
Listen to 3/4/2020 phone call (3) 09/15/2021-09/17/2021	\$450.00	0.1	\$45.00
Listen to 3/4/2020 phone call (31) 09/15/2021-09/17/2021	\$450.00	0.5	\$225.00
Listen to 3/4/2020 phone call (23) 09/15/2021-09/17/2021	\$450.00	0.4	\$180.00
Listen to 3/4/2020 phone call (5) 09/15/2021-09/17/2021	\$450.00	0.1	\$45.00
Listen to 3/19/2020 phone call (5) 09/15/2021-09/17/2021	\$450.00	0.1	\$45.00
Listen to 3/26/2020 phone call (33) 09/15/2021-09/17/2021	\$450.00	0.6	\$270.00
Listen to 3/26/2020 phone call (10) 09/15/2021-09/17/2021	\$450.00	0.2	\$90.00
Listen to 04/13/2020 phone call (12) 09/15/2021-09/17/2021	\$450.00	0.2	\$90.00
Listen to 04/23/2020 phone call (19)	\$450.00	0.3	\$135.00



Listen to 04/23/2020 phone call (56) 09/20/2021	\$450.00	1	\$450.00
Listen to 04/23/2020 phone call (12) 09/15/2021-09/17/2021	\$450.00	0.2	\$90.00
Listen to 04/23/2020 phone call (3) 09/15/2021-09/17/2021	\$450.00	0.1	\$45.00
Listen to 04/27/2020 phone call (9) 09/15/2021-09/17/2021	\$450.00	0.1	\$45.00
Listen to 04/28/2020 phone call (34) 09/15/2021-09/17/2021	\$450.00	0.6	\$270.00
Listen to 04/28/2020 phone call (1:02) 09/20/21	\$450.00	1	\$450.00
Call with Brad Dowding 09/17/2021	\$450.00	0.2	\$90.00
Listen to 04/28/2020 phone call (1:33) 09/20/2021	\$450.00	1.6	\$720.00
Listen to 04/28/2020 phone call (10) 09/15/2021-09/17/2021	\$450.00	0.2	\$90.00
Affidavit to Brad Dowding 10/16/2021	\$450.00	0.6	\$270.00
MSJ: careful review, opposition paperwork 10/17/2021	\$450.00	1.6	\$720.00
Isolate specific phone calls for use in filing (re-listen) 12+5+7 10/17/2021	\$450.00	0.4	\$180.00
Review substantive case law in MSJ (non standing) 10/17/2021	\$450.00	1.5	\$675.00
Search for cases re: security freeze consumer report 10/17/2021	\$450.00	2.1	\$945.00
MSJ: Review 1681e, 1681i 10/17/21	\$450.00	0.4	\$180.00
MSJ: First draft of argument section re "credit report" 10/17/21	\$450.00	2.2	\$990.00
MSJ: First draft of standing argument 10/18/21	\$450.00	1.5	\$675.00
MSJ: Prepare facts section (1st draft) 10/18/2021	\$450.00	2.6	\$1,170.00

MSJ: Prepare affidavit for Kevin to sign 10/18/2021	\$450.00	0.6	\$270.00
MSJ: standard of review 10/19/2021	\$450.00	0.3	\$135.00
MSJ: Research re: reasonable procedures 10/19/2021	\$450.00	1	\$450.00
Telephone call with Kevin 10/19/2021	\$450.00	0.8	\$360.00
Email Brad Dowding (review client correspondence) 10/19/2021	\$450.00	0.1	\$45.00
Finalize facts section 10/19/2021	\$450.00	1.2	\$540.00
Edits to Memorandum 10/19/2021	\$450.00	1.2	\$540.00
Finalize Kevin Merchant Affidavit 10/20/2021	\$450.00	0.3	\$135.00
Emails with Kevin re: Affidavit/Brad Dowding 10/20/2021	\$450.00	0.1	\$45.00
Statement of Material Facts (Admit or Deny) 10/20/2021	\$450.00	1	\$450.00
Statement of Material Facts (letter and finalize exhibits) 10/20/2021	\$450.00	1.5	\$675.00
Finalize Memorandum 10/22/2021	\$450.00	0.9	\$405.00
Finalize Statement of Material Facts 10/22/2021	\$450.00	0.5	\$225.00
File Motion 10/22/2021	\$450.00	0.2	\$90.00
Email Brad Dowding 10/29/2021	\$450.00	0.1	\$45.00
Review Reply Memorandum 11/2/2021	\$450.00	0.4	\$180.00
Telephone call with Kevin Merchant 11/2/2021	\$450.00	0.8	\$360.00
Emails to Brad Dowding 11/3/2021	\$450.00	0.1	\$45.00

Prepare Sur Reply 11/4/2021	\$450.00	1.2	\$540.00
Hearing on Motion for Summary Judgment 11/4/2021	\$450.00	0.8	\$360.00
Receive and review Motion to Strike 11/4/2021	\$450.00	0.3	\$135.00
Research motion to strike (Fed. MSJ) 11/4/2021	\$450.00	1.2	\$540.00
Opposition motion to strike 11/4/2021	\$450.00	1	\$450.00
Subtotal			43,110.00
Tax			0.00
Total			43,110.00
Amount Paid			0.00
Amount Due (USD)			\$43,110.00